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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2768 OF 2007
IN
SUIT NO.2098 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Order	Court's or Judge's Order

Mr.G.H.Shukla for plaintiff.

CORAM : S.J.VAZIFDAR J.
DATE : 28th September, 2007.

P.C. :-

1. After the ad interim order was passed it appears that the suit flat has remained locked.

2. There is no affidavit in reply. At the time ad interim application was made, defendant remained absent.

3. The suit is filed for a declaration of the plaintiff's 1/5th share in the estate of his father which includes the suit flat and for a declaration that the suit documents are void.

4. In view thereof, the Court receiver shall not dispossess defendant no.1 nor shall the court receiver prevent the defendant no.1 from using the flat. The court receiver shall not insist on security or royalty from defendant no.1.

4. Liberty to apply if any other party is found in possession. Further order in terms of prayer (a) of the Notice of Motion. The Notice of Motion is accordingly disposed of.